

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

F/V SOFTWARE, L.L.C.,
Plaintiff(s)

V.

ASPEN TECHNOLOGY,
Defendant(s)

CIVIL ACTION

NO. 05-11286-PBS

REPORT RE: REFERENCE FOR
ALTERNATIVE DISPUTE RESOLUTION

TO JUDGE SARIS

SWARTWOOD, C.M.J.

On December 12, 2005 I held the following ADR proceeding:

| | |
|---------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> EARLY NEUTRAL EVALUATION | <input checked="" type="checkbox"/> MEDIATION |
| <input type="checkbox"/> MINI-TRIAL | <input type="checkbox"/> SUMMARY JURY TRIAL |
| <input type="checkbox"/> SETTLEMENT CONFERENCE | |

All parties were represented by counsel [except _____]

The parties were present in person or by authorized corporate officer [except _____].

The case was:

- [] Settled. Your clerk should enter a ____ day order of dismissal.
- [] There was progress. A further conference has been scheduled for _____ unless the case is reported settled prior to that date.
- [X] Further efforts to settle this case at this time are, in my judgment, unlikely to be productive. This case should be restored to your trial list.
- [] Suggested strategy to facilitate settlement:

December 12, 2006

DATE

/s/Charles B. Swartwood, III
CHARLES B. SWARTWOOD, III
CHIEF UNITED STATES CHIEF MAGISTRATE JUDGE